

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ABDUL HAKEEM AFIZ,
a/k/a MIRON TAYLOR

Petitioner,

v.

MICHELE BUCKNER,

Respondent.

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No. 4:23-cv-01512-MTS

MEMORANDUM AND ORDER

This matter comes before the Court on review of petitioner's application for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. For the reasons discussed below, petitioner will be ordered to file an amended petition on a Court form. He will also be directed to either file a motion for leave to proceed in forma pauperis or pay the filing fee.

Discussion

Petitioner is a self-represented litigant who is currently in custody at South Central Correctional Center (SCCC). On November 27, 2023, he filed what appears to be a handwritten petition for writ of habeas corpus asserting that he was wrongfully imprisoned. He seeks to overturn his judgment and conviction entered by the Missouri state court, claiming his Constitutional rights were violated during his criminal proceedings.¹

¹From a review of Missouri Case.Net, it *appears* that petitioner is attempting to overturn his June 30, 2000, conviction, and sentence of life without parole, for murder in the first degree and armed criminal action. *See State v. Taylor*, No. 22961-01249 (22nd Jud. Cir., St. Louis City Court). If petitioner is indeed attacking this conviction and sentence, it is noted that he has brought several prior applications for writ of habeas corpus relative to this conviction and sentence in this Court, and as such, any new petitions would be barred by the second and successive rule pursuant to 28 U.S.C. § 2244(b), unless he has certification from the Eighth Circuit Court of Appeals to bring a new petition in this Court. *See Taylor v. Dormire*, No. 4:06-CV-426 (E.D. Mo.) (original habeas application was denied on April 9, 2007) and *Taylor v. Dormire*, No. 07-3297 (8th Cir. 2008) (denying application for certificate of appealability); *see also Taylor v. Missouri State*

As such, the Court will direct the Clerk of Court to send to petitioner a copy of the Court's 28 U.S.C. § 2254 form. Petitioner must fill out the form in its entirety and return it to the Court. *See* E.D. Mo. L.R. 2.06(A) ("All actions brought by self-represented plaintiffs or petitioners should be filed on Court-provided forms"). Petitioner should not include any exhibits or attachments to the Court's 28 U.S.C. § 2254 form. Petitioner is advised that in filling out his § 2254 form, *he must make clear the conviction he is challenging*.

The Court notes that petitioner has also failed to either pay the filing fee or file a motion for leave to proceed in forma pauperis. The Court will direct the Clerk of Court to send to petitioner a copy of the Court's motion to proceed in forma pauperis form. Petitioner will be given **twenty-one (21) days** in which to amend his complaint and either file a motion to proceed in forma pauperis or pay the filing fee. Failure to comply with this order will result in the dismissal of this action without prejudice and without further notice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall send petitioner a copy of the Court's 28 U.S.C. § 2254 form.

IT IS FURTHER ORDERED that petitioner must file an amended 28 U.S.C. § 2254 petition within **twenty-one (21) days** of the date of this order. The amended petition ***should not*** include any exhibits or supplements.

IT IS FURTHER ORDERED that within the amended petition, petitioner shall set forth his efforts at exhausting his state court remedies.

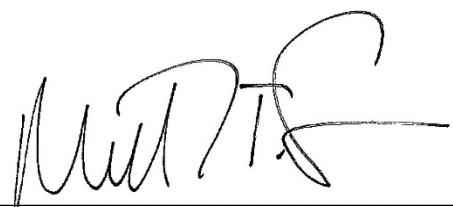
IT IS FURTHER ORDERED that the Clerk of Court shall send to petitioner a copy of the Court's motion to proceed in forma pauperis form.

Public Defenders System, No. 4:08-cv-01126 JCH (E.D. Mo.); *Taylor v. State of Missouri*, No. 4:09-cv-01419-MLM (E.D. Mo.).

IT IS FURTHER ORDERED that petitioner shall either submit a motion for leave to proceed in forma pauperis or pay the \$5 filing fee within **twenty-one (21) days** of the date of this order.

IT IS FURTHER ORDERED that if petitioner fails to comply with this Order, the Court will dismiss this action without prejudice.

Dated this 12th day of December, 2023.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE